

**MEDICAL EXAMINING BOARD
JANUARY 26, 2005
MEETING MINUTES**

PRESENT: Mary Cook, JD; Lief Erickson, MD; Alfred Franger, MD; Jon Gudeman, MD; Virginia Heinemann; Sujatha Kailas, MD; Jack Lockhart, MD; Sandra Osborn, MD; Daniel Miota, DO; Ian Munro, MD (excused at 12:11 p.m.); Gene Musser, MD; and Bhupinder Saini, MD (arrived 8:22 a.m.)

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Karen Rude-Evans, Program Assistant; Darwin Tichenor, Exam Specialist; and DOE Staff

GUESTS: Jeremy Levin, Wisconsin Medical Society; and Shelly Roebel, Purdue Pharma, Inc.

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

ADDITIONS:

Memo from Susan Evans, Chair, Respiratory Care Practitioner Examining Council
Deliberation of Proposed Stipulation, Final Decision and Order in the matter concerning
Gerald Sielaff, MD

MOTION: Ms. Cook moved, seconded by Dr. Miota, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Dr. Erickson moved, seconded by Dr. Kailas, to approve the minutes of December 15, 2004 as drafted. Motion carried unanimously.

ELECTION OF OFFICERS

Chair Alfred Franger, MD, called for nominations. Dr. Franger addressed the Board and stated he would like to serve a second term as Chair.

MOTION: Dr. Lockhard moved, seconded by Dr. Erickson, to nominate Alfred Franger, MD, for Chair. Motion carried.

MOTION: Dr.Munro nominated Bhupinder Saini, MD, for Chair. Dr. Saini declined the nomination.

The Chair called for nominations for Chair three times. Hearing none, the nominations for Chair were closed.

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to cast a unanimous vote for Alfred Franger, MD, for Chair. Motion carried unanimously.

The Chair called for nominations for Vice Chair.

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to nominate Bhupinder Saini, MD, for Vice Chair. Motion carried.

MOTION: Dr. Saini nominated Jack Lockhart, MD, for Vice Chair. Dr. Lockhart declined the nomination.

The Chair called for nominations for Vice Chair three times. Hearing none, the nominations were closed.

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to cast a unanimous vote for Bhupinder Saini, MD, for Vice Chair. Motion carried unanimously.

The Chair called for nominations for Secretary.

MOTION: Dr.Gudeman moved, seconded by Dr. Lockhart, to nominate Lief Erickson, MD, for Secretary. Motion carried.

The Chair called for nominations for Secretary three times. Hearing none, the nominations were closed.

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to cast a unanimous vote for Lief Erickson, MD, for Secretary. Motion carried unanimously.

APPOINTMENTS

IPP LIAISON

Dr. Miota will be the IPP liaison for the Board.

PRACTICE QUESTION LIAISON

Dr. Franger will be the practice question liaison for the Board.

Dr. Musser requested that practice questions be included in future agendas as informational items.

REGULATORY DIGEST ADVISOR

Dr. Kailas will be the Regulatory Digest advisor for the Board.

REPORT OF SCREENING PANEL

Ms. Heinemann reported that of the 51 cases screened 13 were opened, 37 were not opened and one required more information.

ADMINISTRATIVE REPORT

BUDGET REPORT

Tom Ryan reported that DRL has to trim the budget by 10%, which means \$1.1 million out of the operating budget. Some staff positions may be cut, including the IPP position.

MEMO FROM THE RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL

Tom Ryan reviewed the memo from Susan Evans, Chair of the RCP Examining Council, seeking qualified individuals to serve on the Council, and to ask the Board to approve posting this information in the state respiratory care association's journal.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to approve the memo from the RCP Council. Motion carried unanimously.

STATUTES AND RULES CODEBOOKS

Mr. Ryan reported that codebooks will no longer be available through DRL. The codebooks may now be purchased through Document Sales.

SUMMARY REPORTS

Mr. Ryan reviewed these reports with the Board.

TRAVEL AND FSMB NATIONAL MEETING

Mr. Ryan reviewed the DRL travel policies and forms with the Board.

MOTION: Dr. Miota moved, seconded by Ms. Cook, to approve the Board Chair and a senior DRL representative to attend the FSMB national meeting May 12-15, 2005 in Dallas, TX. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND
ORDER IN THE MATTER OF JON CRAIG PAULSON, MD,
BY ATTORNEY MICHAEL BERNDT – CASE 03 MED 210 –
CASE ADVISOR - KAREN KALISHEK**

DOE attorney Michael Berndt presented the proposed stipulation, final decision and order in the matter concerning Jon Craig Paulson, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND
ORDER IN THE MATTER OF GERALD W. SIELAFF, MD,
BY ATTORNEY PAMELA STACH – CASE 04 MED 006 –
CASE ADVISOR - JACK LOCKHART**

DOE attorney Pamela Stach presented the proposed stipulation, final decision and order in the matter concerning Gerald W. Sielaff, MD. This matter will be deliberated on in closed session.

CME REQUIREMENTS IN THE STATES

The Board discussed the issue of CME and whether or not they have any effect on practice and malpractice cases. Dr. Franger suggested the members consider this issue and bring ideas and comments to the next Board meeting.

**CORRESPONDENCE REGARDING DEA POLICY STATEMENT ON
PRESCRIBING OF CONTROLLED SUBSTANCES**

The Board discussed this new DEA policy and the responses from several other states.

INFORMATIONAL ITEMS

Mr. Ryan briefly reviewed the informational items with the Board.

CLOSED SESSION

MOTION: Dr. Miota moved, seconded by Dr. Munro, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats., for the purpose of reviewing a petition for stay of costs, deliberation of proposed orders and objections, considering a request for oral arguments, reviewing requests for stays of suspensions and modifications of orders, deliberation of proposed stipulations, reviewing an application, reviewing request for waiver of 7-year rule, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting and discussion with the Division of Enforcement and consulting with legal counsel. Roll call vote: Mary Cook- yes, Lief Erickson – yes, Alfred Franger – yes, Jon Gudeman

– yes, Virginia Heinemann – yes, Sujatha Kailas – yes, Jack Lockhart – yes, Daniel Miota – yes, Ian Munro – yes, Gene Musser – yes, Sandra Osborn – yes, Bhupinder Saini – yes. Motion carried unanimously.

Open session recessed at 9:24 a.m.

RECONVENE IN OPEN SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:35 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Saini, to reaffirm all motions made during closed session. Motion carried unanimously.

PETITION FOR STAY OF COSTS PAYMENT AND RESPONSE TO PETITION IN THE MATTER OF SHIRLEY YEDZI GODIWALL, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to deny the request for a stay of payment of costs in the matter of Shirley Yedzi Godiwall, MD. Case advisor Dr. Erickson was excused during deliberation and abstained from voting. Motion carried.

PROPOSED ORDER AND REQUEST FOR ORAL ARGUMENTS IN THE MATTER OF MATTHEW CLAYTON, MD

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to grant the request for oral arguments in the matter of Matthew Clayton, MD, at the March Board meeting. Case advisor Dr. Erickson was excused during deliberation and abstained from voting. Motion carried.

PROPOSED ORDER AND OBJECTIONS IN THE MATTER OF CHRISTINE E LANGEMO, MD

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to reject the proposed order and bring back a variance for review at the next Board meeting. Case advisor – Dr. Johnson. Motion carried unanimously.

MOTION: Dr. Kailas moved, seconded by Dr. Miota, to appoint Dr. Osborn as the new case advisor in the matter of Christine E. Langemo, MD. Motion carried unanimously.

**PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE
MATTER OF JON CRAIG PAULSON, MD**

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to accept the proposed stipulation and final order in the matter of Jon Craig Paulson, MD. Case Advisor – Karen Kalishek. Motion carried unanimously.

**PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE
MATTER OF GERALD W SIELAFF, MD**

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to adopt the final decision and order in the matter of Gerald Sielaff, MD. Case advisor Dr. Lockhart was excused during deliberation and abstained from voting. Motion carried.

ISSUE COMPLAINTS

MOTION: Dr. Lockhart moved, seconded by Dr. Musser, that there is probable cause to believe that the licensee in **02 MED 452** is guilty of unprofessional conduct and that a complaint be issued. Case advisor Virginia Heinemann abstained. Motion carried.

MOTION: Ms. Cook moved, seconded by Dr. Kailas, that there is probable cause to believe that the licensee in **03 MED 487** is guilty of unprofessional conduct and that a complaint be issued. Case advisor Dr. Gudeman was excused during deliberation and abstained from voting. Motion carried.

MOTION: Dr. Musser moved, seconded by Dr. Erickson, that there is probable cause to believe that the licensee in **04 MED 220** is guilty of unprofessional conduct and that a complaint be issued. Case Advisor Dr. Miota was excused during deliberation and abstained from voting. Motion carried.

**PROPOSED REMEDIAL EDUCATION
04 MED 426**

MOTION: Ms. Cook moved, seconded by Dr. Osborn, to refer the licensee in **04 MED 426** for non-disciplinary remedial education. The licensee should take and complete a continuing medical education course on the medical-legal issue involved in the prescribing/dispensing of controlled substances and in the treatment of patients with drug dependence. Dr. Erickson abstained. Motion carried.

**REVIEW OF PHYSICIAN ASSISTANT APPLICATION AND PERSONAL
APPEARANCE – DONALD PESCHONG**

MOTION: Dr. Saini moved, seconded by Dr. Gudeman, to grant a full physician assistant license to Donald Peschong. Dr. Erickson was excused for deliberation and abstained from voting. Motion carried.

**REQUEST FOR WAIVER OF 7-YEAR RULE
PADMANABHA RENGABHASHYAM, MD**

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to deny the request of Padmanabha Rengabhashyam, MD, for a waiver of the 7-year rule. Motion carried unanimously.

**REQUEST FOR WAIVER OF LICENSE RE-REGISTRATION
CHARLES CANVER, MD**

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to deny the request of Charles Canver, MD, for waiver of re-registration of his medical license. Motion carried unanimously.

**REVIEW OF APPLICATION
RAMAKRISHNA RAO SETTIPALLI, MD**

MOTION: Dr. Munro moved, seconded by Dr. Gudeman, to inform Ramakrishna Rao Settipalli, MD, that he must successfully retake Step 1 of the USMLE and must pass both components of Step 2 of the USMLE. Motion carried unanimously.

DOE MONITORING

**REQUEST FOR FULL REINSTATEMENT AND PERSONAL APPEARANCE
VICTORIA MONDLOCH, MD**

Victoria Mondloch, MD, appeared before the Board with her attorney, Mary Lee Ratzel.

MOTION: Dr. Munro moved, seconded by Dr. Miota, to deny the request by Victoria Mondloch, MD, for full reinstatement of her license at this time, and to request information from Drs. Thomas Koller, William Sandmeier and Herbert Meyer regarding the accelerated education for Dr. Mondloch. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
RICHARD HELFRICH, MD**

MOTION: Dr. Saini moved, seconded by Ms. Cook, to grant the request for a three month stay of suspension to Richard Helfrich, MD. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
KENNETH SPARR, MD**

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to deny the request for a three month stay of suspension to Kenneth Sparr, MD, and to increase his screens to twice weekly. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
TIMOTHY STAACKE, MD**

MOTION: Dr. Saini moved, seconded by Dr. Munro, to grant the request for a three month stay of suspension to Timothy Staacke, MD. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
ROBERT VINCENT, MD**

MOTION: Dr. Miota moved, seconded by Dr. Saini, to grant the request for a three month stay of suspension to Robert Vincent, MD. Dr. Musser abstained. Motion carried.

IN THE MATTER OF M.S., DO

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to open a new case against M.S., DO. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to refer the matter of non-compliance with monitoring by M.S., DO, to DOE. Motion carried unanimously.

IN THE MATTER OF R.F., MD

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to open a new case against R.F., MD. Dr. Saini abstained. Motion carried.

**REQUEST FOR REMOVAL OF LIMITATION ON LICENSE
DAVID FAGAN, DO**

MOTION: Dr. Musser moved, seconded by Dr. Kailas, to grant the request to remove the limitations on the license of David Fagan, DO. Dr. Saini abstained. Motion carried.

DOE CASE CLOSINGS

MOTION: Dr. Erickson moved, seconded by Dr. Saini, to close case **04 MED 274** for no violation. Case advisor – Ms. Cook. Motion carried unanimously.

MOTION: Dr. Saini moved, seconded by Dr. Miota, to close case **04 MED 011** for insufficient evidence. Case advisor – Dr. Musser. Motion carried unanimously.

MOTION: Dr. Erickson moved, seconded by Ms. Heinemann, to close case **02 MED 198** for prosecutorial discretion-compliance gained. Case advisor – Dr. Miota. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to close case **04 MED 215** for insufficient evidence. Case advisor – Dr. Saini. Motion carried unanimously.

MOTION: Dr. Saini moved, seconded by Dr. Miota, to close case **02 MED 150** for insufficient evidence. Case advisor – Dr. Franger. Motion carried unanimously.

MOTION: Dr. Kailas moved, seconded by Dr. Saini, to close case **02 MED 360** for insufficient evidence. Case advisor – Dr. Miota. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case **02 MED 387** for insufficient evidence. Case advisor Dr. Erickson abstained. Motion carried.

MOTION: Dr. Miota moved, seconded by Dr. Musser, to close case **02 MED 410** for insufficient evidence. Case advisor Dr. Kailas abstained. Motion carried.

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to close case **04 MED 335** for insufficient evidence. Case advisor Dr. Musser abstained. Motion carried.

- MOTION:** Dr. Saini moved, seconded by Dr. Miota, to close case **04 MED 339** for no violation. Case advisor – Dr. Musser. Motion carried unanimously.
- MOTION:** Dr. Saini moved, seconded by Ms. Heinemann, to close case **02 MED 356** for no violation. Case advisor – Dr. Franger. Motion carried unanimously.
- MOTION:** Dr. Musser moved, seconded by Dr. Miota, to close case **02 MED 148** for insufficient evidence. Case advisor – Ms. Heinemann. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Saini, to close case **02 MED 092** for no violation. Case advisor – Dr. Gudeman. Motion carried unanimously.
- MOTION:** Dr. Erickson moved, seconded by Ms. Heinemann, to close case **03 MED 392** for prosecutorial discretion and to flag the license should the practitioner renew the license. Case advisor – Dr. Miota. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Ms. Cook, to close case **03 MED 564** for no violation. Case advisor – Dr. Munro. Motion carried unanimously.
- MOTION:** Dr. Erickson moved, seconded by Dr. Kailas, to close case **03 MED 178** with the contingency that the practitioner takes a course in appropriate prescribing. Upon successful completion of the course, the case will be close for compliance gained. Case advisor – Dr. Saini. Dr. Lockhart abstained. Motion carried.
- MOTION:** Dr. Erickson moved, seconded by Dr. Saini, to close case **03 MED 482** for insufficient evidence against K.A. only. Case advisor – Dr. Franger. Motion carried unanimously.
- MOTION:** Dr. Musser moved, seconded by Dr. Erickson, to close case **04 MED 004** with an administrative warning against D.E.W., MD. Case advisor – Dr. Miota. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

- MOTION:** Ms. Heinemann moved, seconded by Dr. Saini, to ratify all licenses and certificates. Motion carried unanimously.

RATIFICATION OF EXAM SCORES

MOTION: Dr. Erickson moved, seconded by Ms. Heinemann, to ratify all exam scores. Motion carried unanimously.

ADJOURNMENT

MOTION: Ms. Heinemann moved, seconded by Ms. Cook, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:38 p.m.

NEXT MEETING: FEBRUARY 16, 2005